

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY
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UNITED STATES OF AMERICA,
-against-
JONATHAN COLON, et al.,
Defendants.

1:20-cr-00213 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On January 7, 2022, Defendant Jonathan Colon was sentenced to a term of 200 months of imprisonment for his conviction, following a guilty plea, for attempted Hobbs Act robbery, in violation of Title 18, United States Code, Sections 1951 and 2. The Defendant's sentencing guidelines range was 240 months of imprisonment based on an offense level of 40, a criminal history category of I, and a statutory maximum sentence of twenty years.

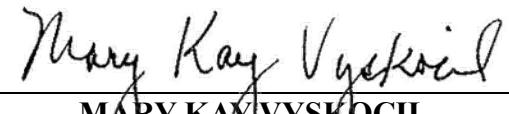
Effective November 1, 2023, in its Amendment 821, the United States Sentencing Commission ("Sentencing Commission") amended the United States Sentencing Guidelines Manual in two respects. Part A amends Guidelines § 4A1.1, by reducing from two (2) points to one (1) point the upward adjustment for offenders who committed the instant offense while under any criminal sentence, and by limiting this adjustment to defendants who received seven (7) or more criminal history points. Part B, in the part relevant here, amends Guidelines § 4C1.1, by providing a 2-level offense level reduction for offenders with zero (0) criminal history points who meet specified eligibility criteria. The Sentencing Commission made these amendments retroactive effective November 1, 2023. Defendants whose requests are granted could not have been released from prison before February 1, 2024.

On April 19, 2024, the Defendant filed a *pro se* motion to appoint counsel to review whether he is entitled to relief under the 821 Amendment for reduction in his sentence [ECF No.

295]. Accordingly, IT IS HEREBY ORDERED that by **May 1, 2024** the Government shall file a letter stating its position on Defendant's motion.

SO ORDERED.

Date: April 24, 2024
New York, NY


MARY KAY VYSKOCIL
United States District Judge